

Date 09/25/08

**Environmental Management Consolidated Business Center (EMCBC)****Subject: Policy Against Sexual Harassment and Other Forms of Unlawful Harassment**

Policy Statement

APPROVED: (Signature on File)
EMCBC DirectorISSUED BY: OFFICE OF CIVIL RIGHTS AND DIVERSITY

1.0 PURPOSE:

The purpose of this policy is to reaffirm the Environmental Management, Consolidated Business Center's (EMCBC) responsibility in maintaining a workplace free from sexual harassment and other forms of unlawful harassment, and to ensure that all managers, supervisors, and employees are aware my personal commitment to this goal.

2.0 SCOPE:

The Department of Energy recognizes that sexual harassment and other forms of harassment are unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964. The EMCBC does not tolerate sexual harassment or any other forms of unlawful harassment and is responsive to facts that the behavior is unacceptable conduct that undermines the integrity of the workplace, lowers morale, causes potential liabilities, and is counter-productive to the success of the EMCBC.

3.0 APPLICABILITY:

All EMCBC staff members will adhere to this policy.

4.0 REFERENCES:

- 4.1 Title VII of the Civil Rights Act of 1964;
- 4.2 Title 29 CFR, Part 1604.11;
- 4.3 Public Law 102-166, the Civil Rights Act of 1991;
- 4.4 Department of Energy Prevention of Harassment (Including Sexual Harassment) and Retaliation Policy Statement

5.0 DEFINITION:

- 5.1 Harassment is any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, color, national origin, religion, sex, sexual orientation, disability, or age that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an employee's work performance; and/or 3) affects an employee's employment opportunities or compensation.

- 5.2 Sexual harassment is defined as unwelcome verbal or physical sexual behavior that is either severe or pervasive, including but not limited to unwelcome sexual advances, request for sexual favors, physical conduct of a sexual nature, or other similar behavior when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or 3) conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment. Sexual harassment is not limited to prohibited conduct by a male employee toward a female employee. A male, as well as a female, may be the victim of sexual harassment. Likewise, sexual harassment is not limited to members of the opposite sex. Same-sex employees may be the victim of sexual harassment. Similarly, sexual harassment is not limited to the actions of a supervisory employee toward a non-supervisory employee; the harasser may be an agent of the employer, a supervisory employee who does not supervise the victim, a co-worker or even a non-employee.

6.0 RESPONSIBILITIES:

- 6.1 Every EMCBC employee has the right to work in an environment free from unlawful harassment and retaliation. Any EMCBC employee engaging in harassing or retaliatory behavior (including sexual harassment) that is in violation of the law or this policy is subject to disciplinary action, which may include suspension or dismissal.
- 6.2 Supervisory employees are responsible for informing their respective management of any conduct that they know or have been informed that may constitute harassment (sexual or non-sexual) within the EMCBC and its Customer Sites. Supervisory employees who have knowledge of an act of possible harassment should contact the EMCBC Office of Civil Rights and Diversity (OCD) for guidance and support in resolving the matter. In addition, supervisors shall be responsible for taking immediate and appropriate corrective action, including disciplinary action, with respect to any matter involving an allegation of harassment, as advised by the OCD, the Office of Human Resources and the Office of Legal Services.
- 6.3 Employees who feel they are victims of sexual harassment or other forms of harassment or who have knowledge of an act of possible harassment are encouraged to seek assistance from the EMCBC OCD, their supervisor, or their Employee Concerns representative. In addition, employees who take action to report or stop prohibited harassment (sexual or non-sexual) are legally entitled to be free from retaliation. Retaliation is a form of discrimination where an employee is subjected to an adverse employment action or harassment that creates a hostile or abusive work environment, solely because he or she opposed an unlawful employment practice. "Opposing" an unlawful employment practice includes filing a charge of discrimination, participating in an investigation, proceeding or hearing, or taking other, similar action in opposition to the unlawful practice.

- 6.4 Therefore, it is the policy of the EMCBC to provide a workplace free of sexual harassment and other forms of unlawful harassment and you may exercise your rights through the EEO Complaint Process and seek assistance of the OCRD.

7.0 GENERAL INFORMATION

For more information regarding sexual harassment or other forms of unlawful harassment in the workplace, or information on how to file an EEO Complaint, you may contact the Office of Civil Rights and Diversity or visit the web address at:

<http://www.emcbc.doe.gov/dept/diversity/complaint.php>.

EMCBC RECORD OF REVISION**DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
0	Initial Policy	All	02/01/06
1	Format change and updating of information.	All	09/25/08

CONTROLLED DOCUMENT CHANGE REQUEST	
DATE: <u>08/19/08</u>	
INITIATOR: <u>Regina Neal</u>	
INITIATOR PHONE NUMBER: _____	
DOCUMENT AFFECTED: <u>PS-311-02</u>	
SECTION: _____	PARAGRAPH #: _____
CONTROLLED NUMBER : _____	PARAGRAPH #: _____
NEW CONTROLLED NUMBER: _____	
PROPOSED REVISION: <u>Two year look to update and revise policy.</u>	

JUSTIFICATION: _____	

Requested by: <u>Bartley Fain</u>	DATE: _____
Approval: _____	DATE: _____
Associate Director	
Assigned to: <u>Regina Neal</u>	DUE DATE: _____

Document Review Record Sheet				
Document Title	POLICY AGAINST SEXUAL HARASSMENT AND OTHER FORMS OF UNLAWFUL HARASSMENT			
PS Number PS-311-02	Revision No. 1	Date Issued for Review 08/19/08		
The subject document is being submitted for your review, approval or comments. Since this review is controlled, a response is required from all reviewers. Therefore, please return the review sheet with or without comments				
To: L. Chafin	Extension: 60461	By:		
Additional Instructions:				
Reviewer	Approve	Approve w/Comments	Do Not Approve	Signature of Reviewer
B. Fain				
M. Roy				
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Comments may be attached to a separate sheet of paper				
APPROVE: Signifies the reviewer's acceptance of the document issued for review.				
APPROVE w/comments: Signifies the reviewer's overall acceptance of the document regarding concept, practice, implementation, provisions and assigned responsibilities. However, the reviewer has suggestions as to the organization of its contents or helpful additions and/or deletions. These comments are termed "non-mandatory comments" and do not require formal resolution between the reviewer and preparer.				
DO NOT APPROVE: Signifies that the reviewer has identified significant problems regarding concept, practice, implementation or responsibilities that render the document unacceptable and/or not in conformance with stated requirements. Such problem areas must be clearly identified by the reviewer. It is mandatory for the preparer to resolve these comments with the reviewer, document the resolution and obtain the reviewers concurrence for the resolution. The reviewer's written concurrence with the resultant change in disposition shall be documented on this form.				
General Review Comments:				
When review is delegated, the designated reviewer shall review and indicate concurrence with the designee's review comments and recommend disposition:				
Designated Reviewer	Concur	Do Not Concur	Signature	Date